

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte YOSHIKAZU TAKAI,  
HIDEO KOBAYASHI, YOSHIO KATO,  
TATSUYA ISHIHAMA and HAROLD E. WOODROW

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Appeal No. 97-1426  
Application 08/380,125<sup>1</sup>

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HEARD: July 14, 1999

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Before McCANDLISH, Senior Administrative Patent Judge, and  
COHEN and NASE, Administrative Patent Judges.

COHEN, Administrative Patent Judge.

DECISION ON APPEAL

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<sup>1</sup> Application for patent filed January 30, 1995.

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Application 08/380,125

This is an appeal from the final rejection of claim 4, the sole claim remaining in the application.

Appellants' invention pertains to a rolling unit. An understanding of the invention can be derived from a reading of claim 4, a copy of which appears in the Appendix to the brief (Paper No. 9).

As evidence of obviousness, the examiner has applied the documents listed below:

Matsuo et al. (Matsuo)	4,969,347	Nov. 13, 1990
Yoshihara et al. (Japan '204) <sup>2</sup>	55-103204	Aug. 7, 1980

The following rejections are before us for review.

Claim 4 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 4 additionally stands rejected under 35 U.S.C. § 103 as being unpatentable over Japan '204 in view of Matsuo.

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<sup>2</sup> Our understanding of this document is derived from a reading of a translation thereof prepared in the United States Patent and Trademark Office. A copy of the translation is appended to this opinion.

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The full text of the examiner's rejections and response to the argument presented by appellants appears in the answer

(Paper No. 10), while the complete statement of appellants' argument can be found in the brief (Paper No. 9).

#### OPINION

In reaching our conclusion on the issues raised in this appeal, this panel of the board has carefully considered appellants' specification and claims, the applied teachings, and the respective viewpoints of appellants and the examiner. As a consequence of our review, we make the determinations which follow.

#### The indefiniteness issue

We reverse the rejection of claim 4 under 35 U.S.C. § 112, second paragraph, as being indefinite.

The sole concern of the examiner, as explained in the answer (page 3), is that the language "the other roll stand" on line 10 of claim 4 lacks clear antecedent basis and

renders the claim unclear as to which roll stand is being referred to of the earlier recited "at least two roll stands" (line 1).

We are of the view, however, that the content of claim 4 is not indefinite relative to the recitation of "the other roll stand." The claimed unit comprises "at least two roll stands." Thus, while the number of stands may be more than two, the claim minimally sets forth two stands. Accordingly, it is quite apparent to us that the reference to "one roll stand" refers to one of the two stands, while the language "the other roll stand" clearly makes reference to the other of the two roll stands. This analysis does not detract from the circumstance that the claim encompasses, as indicated, additional stands. For the reasons set forth, supra, claim 4 is considered to be definite under 35 U.S.C. § 112, second paragraph.

The obviousness issue

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We reverse the rejection of claim 4 under 35 U.S.C. § 103 as being unpatentable over Japan '204 in view of Matsuo.

The difficulty that we have with this rejection of claim 4 is that it is apparent to us that the evidence of obviousness simply would not have been suggestive of the claimed rolling unit to one having ordinary skill in the art.

The Japan '204 document clearly minimizes shaft space between neighboring roller sets, with neighboring sets shifted in 90° phase to the pass line. However, a review of each of the applied documents, alone and collectively, reveals to us that neither Japan '204 nor Matsuo (rolling mill with eccentric sleeves for draft adjustment) teaches or would have been suggestive of rotational axes of eccentric sleeves being spaced from opposite first and second sides of a housing by first and second housing portions, with the width of the first housing portion in the direction of a rolling line being less than the

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width of the second housing portion, and with the first sides of the housings of at least two roll stands being arranged in confronting relationship, as explicitly set forth in claim 4. Since the evidence of obviousness is lacking, as indicated, the rejection of claim 4 under 35 U.S.C. § 103 must be reversed.

In summary, this panel of the board has:

reversed the rejection of claim 4 under 35 U.S.C.

§ 112, second paragraph, as being indefinite; and

reversed the rejection of claim 4 under 35 U.S.C. § 103 as being unpatentable over Japan '204 in view of Matsuo.

The decision of the examiner is reversed.

REVERSED

	HARRISON E. McCANDLISH	)	
	Senior Administrative Patent Judge	)	
		)	
		)	
		)	BOARD OF
PATENT		)	
	IRWIN CHARLES COHEN	)	APPEALS
AND		)	
	Administrative Patent Judge	)	
INTERFERENCES		)	

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JEFFREY V. NASE  
Administrative Patent Judge

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